

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

FEB 07 2007

JOHN F. CONNOLY, CLERK
BY: DISPLAY CLERK

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the above referenced motion pursuant to 28 U.S.C. § 2255 is hereby **DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

Zaldivar-Fuentes is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of the Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner. *[Signature]*

ENTER: This 7th day of February, 2007.

United States District Judge